



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Adam R. Johnson
State Board of Public Welfare
Austin, Texas

Dear Sir:

Opinion No. Q-1701
Re: May State Department of
Public Welfare furnish
lists of men on relief
to the U. S. Army.

We have your request for an opinion of June 17,
1940, which reads as follows:

"We have a request from a United States Recruiting Officer to furnish a list of men on relief rolls within the ages of 18 and 35 who are single and have no dependents. The age and dependents of individuals requested by the Recruiting Officer are determined by County Case Workers under our supervision who have no connection with old age assistance personnel.

"Are there any legal inhibitions against our complying with this request?"

The confidential nature of the records of your department is determined by Section 31 of the Division of Public Welfare Act of 1939, being Article 695b--Section 31, Vernon's Annotated Civil Statutes of Texas. This section provides:

"All records concerning any applicant or recipient contemplated in this act shall be confidential and shall be open to inspection only to persons duly authorized by the state, or the United States, to make such inspection in connection with their official

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duties; provided, however, factual information in such records shall be available to applicants and recipients or their duly authorized agents; provided further, that no lists of names of recipients shall be published or distributed for purposes of being made parts of any state, county or city records, or for any other purpose."

In Opinion No. O-2416, copy of which we enclose herewith, we were construing a corresponding provision in the Act creating the Texas Unemployment Compensation Commission, being Section 9(e) of Article 5831-b, Vernon's Annotated Civil Statutes, which reads in part:

"Information thus obtained shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the employing unit's identity."

In that opinion we held that the Texas Unemployment Compensation Commission might furnish certain information to the State Department of Health since the State Department of Health must have been one of the agencies contemplated by the Legislature when it provided for the exception "other than to public employees in the performance of their public duties."

We believe that the United States Army would come within the exception contemplated by the Legislature relating to the confidential nature of the records of your department when it provided in Section 31 quoted above that such records "shall be open to inspection only to persons duly authorized by the state, or the United States, to make such inspection in connection with their official duties." It is, therefore, our opinion that you are authorized under the above quoted exception contained in Section 31 of the Public Welfare Act to furnish to a recruiting officer of the United States Army lists of recipients of relief between the ages of 18 and 35.

Yours very truly

ASTHOVEN 51, 1940

ATTORNEY GENERAL OF TEXAS

George W. Mann
ATTORNEY GENERAL OF TEXAS

By *Walter R. Koch*
Walter R. Koch
Assistant

WRK:jm

